

### REMARKS

Claim 1 has been amended to overcome the Examiner's rejections under 35 U.S.C. § 103(a). Claim 10 has been amended to overcome Examiner's rejection under 35 U.S.C. § 112, as explained below.

#### 35 U.S.C. § 112

Claims 10 and 11 have been rejected under 35 U.S.C. § 112 as being indefinite for failing to distinctly claim the subject matter which Applicant regards as the invention. Claim 10 has been amended to further limit the step wherein the alignment component removed rather than the step wherein the alignment component is replaced. It should now be clear that etching the alignment component is a step taken in removing it. Support for this amendment is in the specification from page 10, line 25 - page 11, line 3.

#### 35 U.S.C. § 103(a)

Claims 1-12 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,063,677 ("Rodder") in view of U.S. Patent No. 5,937,300 ("Sekine").

Claims 13-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodder and Sekine, and further in view of U.S. Patent No. 6,054,355 ("Inumiya").

Claims 17-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rodder, Sekine, and Inumiya, and further in view of U.S. Patent No. 6,051,865 ("Gardner").

Applicant respectfully traverses these rejections in view of amended claim 1 and the following analysis, because this combination of references does not disclose or suggest every element of any pending claim.

Claim 1 has been amended to specify that the alignment component consists of a single material. Support for this amendment is found on page 9, lines 2-6. Because of differences in

their disclosed methods, the cited references fail to teach an alignment component of a single material.

Rodder teaches a disposable gate having at least two materials, specifically two materials, 122 and 124, that may be etched selectively with respect to each other (see Abstract and col. 2, lines 61 - col. 3, line 4). Two materials are required in Rodder because of the various etching steps taught in the method. First, the step illustrated in Fig. 3D requires the second material 124 be such that the insulator material 114 may be etched selectively with respect to it. Second, the step illustrated in Fig. 3E requires the second material 124 be such that it may be etched selectively with respect to the first material 122. Finally, the step illustrated in Fig. 3F requires the first material 122 be such that it may be etched selectively with respect to substrate 102. Rodder fails to suggest a single material that would meet the requirements of these etching steps.

Because Rodder specifically teaches a disposable gate of two separate materials, and neither Rodder nor Sekine suggest a disposable gate of a single material, it would not have been obvious to one of ordinary skill in the art to modify the teachings of Rodder to include a disposable gate of a single material as taught in the present invention. Thus, the cited references fail to teach every element of amended claim 1.

Claims 2-19 depend from claim 1 and therefore include the same limitations that are not disclosed or suggested by Rodder and Sekine. Inumiya and Gardner were cited for other reasons, and fail to supply the missing elements from Rodder and Sekine.

**CONCLUSION**

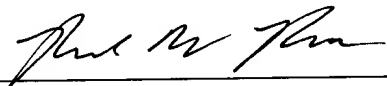
For the foregoing reasons, Applicant submits that the amended claims 1 and 10 are now in condition for allowance. Accordingly, Applicant submits that all pending claims 1-19 are now in condition for allowance. Applicant respectfully requests removal of all rejections.

Please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

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Date: 6-21-01

  
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**MARKED UP VERSION OF AMENDED CLAIMS:**

1. (Three Times Amended) A method of forming a transistor, comprising:

forming an alignment component on a substrate of a semiconductor material, said alignment component consisting of a single material;

depositing a metal layer over the substrate and the alignment component;

reacting the metal layer with the semiconductor material of the substrate to form two silicide regions, the silicide regions having inner surfaces which face one another, wherein an upper portion of each inner surface contacts the alignment component and a lower portion of each inner surface contacts the semiconductor material of the substrate;

removing the alignment component; and

replacing the removed alignment component with a conductive gate.

10. (Twice Amended) The method of claim 1 wherein removing the alignment component [is replaced with the gate according to a method comprising]includes:

depositing a layer over the silicide regions and the alignment component;

planarizing the layer at least until the alignment component is exposed; and

etching the alignment component at least until the substrate is exposed to leave an opening between the inner surfaces of the silicide regions to allow for formation of a the gate. [; and

forming the gate in the opening.]